

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
vs.) ORDER
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2012 GMC SAVANA VAN, et al.,)
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Defendants.)
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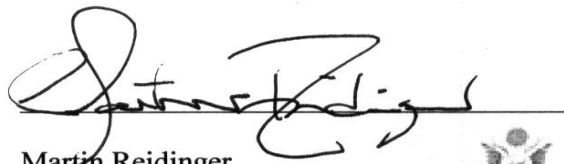
The Government moves pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for the entry of default against all persons and entities except the Claimant Jackie Rattler, with whom the Government has reached a settlement agreement. In its motion, the Government identifies four other persons or entities – Debra Louise Smith, Ford Motor Credit Co., Timothy Leroy Rattler, Rebecca Ward – who were identified by the Government as potential claimants and to whom the Government provided notice of the civil forfeiture action as required by Rule G(4)(b)(iii) of the

Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. For three of these potential claimants, the Government has demonstrated that notice was sent via certified mail, return receipt requested, and that the return receipt was signed for and returned to the Government. With respect to Rebecca Ward, the Government states that “[t]he notice was returned to the United States as unclaimed. Exh. D.” [Doc. 58 at 3]. A review of Exhibit D, however, shows an unsigned return receipt that contains no indication that it was returned to the Government as “unclaimed.”

In light of the documentation submitted by the Government, the Court is not satisfied that direct notice was properly sent to one of the potential claimants identified by the Government.

IT IS, THEREFORE, ORDERED that the Government’s Motion for Entry of Default against All Persons and Entities Except Jackie Rattler [Doc. 58] is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

